

Message Text

CONFIDENTIAL

PAGE 01 MADRID 09318 01 OF 02 101637Z

44

ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00
ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
CIEP-01 COME-00 DLOS-06 DODE-00 DOTE-00 EB-07 EPA-01
ERDA-05 FEAE-00 FMC-01 TRSE-00 H-01 INR-07 INT-05
IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OMB-01 PA-01
PM-04 PRS-01 SP-02 SS-15 SAL-01 AF-08 ARA-06 EA-07
NEA-10 OIC-02 /147 W

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FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 8263

C O N F I D E N T I A L SECTION 1 OF 2 MADRID 9318

FOR OES AMBASSADOR IRVING AND OES/OFA MR. BUSBY

E.O. 11652: GDS

TAGS: EFIS, ICNAF

SUBJECT: ICNAF CONCLUDES NINTH SPECIAL MEETING

1. SUMMARY. ICNAF CONCLUDED THE SPECIAL SESSION EVENING OF DECEMBER NINTH. DECISIONS TAKEN IN COURSE OF THE MEETING ON ALL SUBJECT REFLECT ACCEPTANCE BY ICNAF MEMBERS OF COASTAL STATE JURISDICTION. DETAILS ON ISSUES WHICH U.S. BROUGHT TO MEETING FOLLOW. INDUSTRY ADVISEROS, WHO HAVE FROM THE OUTSET NOT ACCEPTED POSITIONS TAKEN BY U.S. DEL AND DISAGREED THAT SPECIAL MEETING DECISIONS CONSTITUTE POSITIVE ACHIEVEMENT, ARE RETURNING TO THE UNITED STATES TO MAKE SURE THAT THEIR VIEWS ARE EXPRESSED IN WASHINGTON WHEN A DECISION IS MADE ON THE FUTURE OF ICNAF. CONSIDERING THAT EACH AGENCY SECTION OF U.S. DEL MAY WISH TO MAKE ITS OWN REPORT WITHIN ITS OWN AGENCY, THIS MESSAGE IS INTENDED ONLY AS A REPORT ON WHAT HAPPENED, TAKING INTO ACCOUNT THE SPECIAL PROBLEMS THE U.S. WANTED TO ADDRESS AT THIS SESSION. END SUMMARY.

2. FUTURE OF ICNAF. WE HAVE ALREADY REPORTED BY SEPARATE CABLE THE RECOMMENDATION TO GOVERNMENTS THAT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MADRID 09318 01 OF 02 101637Z

APPROPRIATE ARTICLES OF THE CONVENTION BE AMENDED TO

EXCLUDE AREAS OF NATIONAL FISHERY JURISDICTION FROM THE COMPETENCE OF THE CONVENTION. WHEN ACCEPTED BY THREE-FOURTHS OF THE MEMBER GOVERNMENTS, AND FOLLOWING A PERIOD OF 120 DAYS THEREAFTER, THE CONVENTION EFFECTIVELY WILL HAVE BEEN RENEGOTIATED TO CONFORM TO THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976. CONCERNING A NEW INSTITUTION AND ITS NEGOTIATION, AS WE HAVE REPORTED, THE COMMISSION RECOMMENDED THAT STEPS BE TAKEN TO PURSUE NEW ARRANGEMENTS BEGINNING IN EARLY 1977

2. ENFORCEMENT AND REGISTRATION PERMITS. THE COMMISSION VOTE ON AMENDING THE CONVENTION, THE DECISIONS ON ACTUAL ALLOCATIONS REPORTED BELOW, AND THE STATEMENTS OF DELEGATES THROUGHOUT, MADE CLEAR THE ACCEPTANCE OF COASTAL STATE ENFORCEMENT, AND COASTAL STATE REGULATIONS, FOLLOWING THE COMING INTO FORCE OF COASTAL STATE JURISDICTION. (ONLY JAPAN FORMALLY RESERVED ON PRINCIPLE, AND THAT AT THE BEGINNING) COMBINED WITH GIFAS ALREADY NEGOTIATED AND THE RESPONSES WE HAVE TO DATE REGARDING REGISTRATION PERMITS, WE BELIEVE IT CLEAR THE QUESTION HAS BEEN RESOLVED. THE COMPLEXITY OF THE DISCUSSIONS OF THE MANAGEMENT PROPOSALS OF THE UNITED STATES WERE SUCH AS TO REQUIRE US TO INDICATE, ON SEVERAL OCCASIONS, HOW WE INTENDED TO ENFORCE THE USE OF ICNAF REGULATIONS PURSUANT TO 204C, OUR DESIRE TO PLACE OBSERVERS ON BOARD, ETC. THERE WAS ACQUIESCENCE ON EVERY POINT. TO BE SURE, WE DO NOT HAVE AN EXPLICIT ICNAF REGULATION FOR 1977 SAYING THEY MUST ACCEPT U.S. REGISTRATION PERMITS AND WE DO NOT HAVE EXPLICIT ICNAF REGULATIONS TELLING US TO ENFORCE, BUT ALL OF THE ELEMENTS ARE IN PLACE. THE GENERAL TENOR: THERE WAS NO DOUBT IN ANY MEMBER'S MIND AS TO CONDITIONS PREREQUISITE TO CONTINUED U.S. PARTICIPATION IN ICNAF IN 1977 AND, AND ALL THINGS CONSIDERED, DESPITE FACT THAT NO PRECISE ICNAF REGULATION HAS BEEN ADOPTED WHICH SPEAKS TO THE ISSUE OF U.S. ENFORCEMENT OR REGISTRATION PERMITS, THERE IS NO DOUBT REMAINING THAT THIS IS GENERALLY UNDERSTOOD AND ACCEPTED.

3. OBSERVERS -- IMPOSITION OF OTHER CONDITIONS AFTER MARCH 1. WE DID NOT FIND IT NECESSARY TO MAKE A STRONG POINT OF THIS. MOST OF THE NATIONS INVITED
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MADRID 09318 01 OF 02 101637Z

US, FOR EXAMPLE, TO PLACE OBSERVERS ON BOARD THEIR SHIPS SO THAT THEY COULD PROVE TO US THAT THEY WERE ATTEMPTING TO CONFORM. (THE PROBLEM IS THE PROGRAM IS JUST GETTING STARTED, AND IF WE REMAIN IN ICNAF THE FUNDING WOULD HAVE TO BE BY THE UNITED STATES.) IN ADDITION, COUNTRIES WE THOUGHT MIGHT BE RESISTANT TO MANAGEMENT CHANGES AFTER MARCH 1, ACTIVELY SOUGHT THEM AS THEY FEARED THAT THE "WINDOWS" MIGHT IN

FACT TURN OUT TO BE CLOSED DOORS ONCE THEY HAD INITIATED THEIR FISHERIES. WE FOUND THAT HAVING SAID WE RESERVED THE RIGHT TO MAKE CHANGES AFTER MARCH 1, IF NECESSARY, IN A MANNER CONSISTENT WITH THE DECISIONS TAKEN IN ICNAF, THAT WE DO NOT KNOW, AT THIS TIME, WHAT THE MACHINERY FOR ACCOMPLISHING CHANGE WOULD BE. TAKING INTO ACCOUNT AGAIN THE TENOR OF THIS MEETING, WE WOULD SEE NO PROBLEM WITH THE UNITED STATES MAKING CHANGES PROVIDED IT DID NOT AFFECT ALLOCATIONS OR MOVE IN A NEGATIVE RATHER THAN A POSITIVE DIRECTION.

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PAGE 01 MADRID 09318 02 OF 02 101702Z

44

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FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 8264

C O N F I D E N T I A L SECTION 2 OF 2 MADRID 9318

FOR OES AMBASSADOR IRVING AND OES/OFA MR. BUSBY

4. THE OTHER OBJECTIVES OF THE U.S. PARTICIPATION WERE THE ACHIEVEMENT OF THE CONDITIONS WHICH RELATE TO RESOURCE MANAGEMENT. WE MUST CAUTION THAT THE U.S. DELEGATION LEADERSHIP CHOSE TO FOLLOW THE RECOMMENDATIONS OF U.S. SCIENTISTS IN THEIR ICNAF CAPACITY RATHER THAN THE RECOMMENDATIONS IN THE PRELIMINARY MANAGEMENT PLANS NOW BEFORE THE REGIONAL COUNCILS OF NEW ENGLAND AND MID-ATLANTIC. FOR EXAMPLE, THE U.S. PROPOSAL ON MACHEREL WAS NOT THE 55,000 TON QUOTA, NO DIRECTED FISHERY, PROPOSAL OF THE PMP, BUT RATHER WAS THE 105,000-133,000 TON DIRECTED FISHERY PROPOSAL OF THE ICNAF SCIENTIFIC

COMMUNITY. THE U.S. PRESENTED A PROPOSAL FOR A 105,000 TON QUOTA, REPRESENTING AN APPROXIMATELY 60 PERCENT REDUCTION FROM 1976. WHEN TRANSLATED INTO ALLOCATIONS FOR SOME COUNTRIES THIS MEANT AS MUCH AS AN 80 PERCENT REDUCTION FOR CERTAIN FISHERIES. THE PROPOSAL WAS ACCEPTED WITH ONLY A FOOTNOTE FROM THE USSR THAT ITS SILENCE SHOULD NOT BE TAKEN AS CONSENT.

5. HERRING. USSR POSITION ON MACKEREL SHOULD NOT BE SEEN, HOWEVER, AS A RESERVATION TO WHAT U.S. WAS ATTEMPTING TO ACCOMPLISH AS RESPONSE TO U.S. HERRING
CONFIDENTIAL

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PAGE 02 MADRID 09318 02 OF 02 101702Z

PROPOSALS DEMONSTRATED. PRELIMINARY MANAGEMENT PLAN RECOMMENDS 33,000 TON TOTAL ALLOWABLE CATCH FOR HERRING, RESERVING 18,000 TONS FOR THE U.S. (WHICH CAUGHT 731 TO DATE IN 1976) AND 5,000 FOR CANADA WITH ALL OF THE REST RESERVED FOR CATCHES INCIDENTAL TO OTHER FISHERIES. U.S. DEL PROPOSAL HELD TO THE 33,000 TONS BUT DIVIDED IT 12,000 FOR THE U.S., 1,000 FOR CANADA AND FROM THE REMAINDER FORGED DIRECTED FISHERIES FOR THE FRG (4,725 TONS) THE GDR (4,825) POLAND (5,100), FRANCE (1,000) AND THE USSR (3,400). THE SOVIET UNION, WHICH CONSIDERS ITSELF THE PRE-EMINENT TRADITIONAL FISHERY, SAID IT BELIEVED THE U.S. WAS ATTEMPTING TO ACCOMPLISH OTHER OBJECTIVES THROUGH THE MANNER OF ITS ALLOCATION AND THEN AGREED TO THE PROPOSAL.

6. SQUID. SQUID HAS BEEN A PARTICULAR PROBLEM WITH JAPAN, ITALY AND SPAIN SINCE THE JUNE 1976 MEETING. U.S. DEL DECIDED NOT TO REOPEN THE SQUID DECISIONS OF JUNE 1976, IN ORDER NOT TO REOPEN DECISIONS ON OTHER FISHERIES, BUT DID VOLUNTEER AN INDICATIVE PROJECTION OF HOW THE SQUID COULD BE REALLOCATED AT THE JUNE 1977 MEETING OF ICNAF IN THE EVENT THE U.S. DID NOT TAKE THE ALLOCATION IT HAD RESERVED TO ITSELF (36,500 TONS OF SQUID AGAINST A PREVIOUS CATCH RECORD IN THE NEIGHBORHOOD OF 2,000 TONS ANNUALLY.) THE RESULTING PROJECTED REALLOCATION, IN WHICH OUR OBJECTIVE WAS THE ACCOMMODATION OF SOME OF THOSE COUNTRIES WHO HAD BEEN LEFT OUT PREVIOUSLY, GAVE SUBSTANTIAL SQUID FISHERIES TO ITALY, SPAIN, AND JAPAN. THOSE PROJECTIONS HAVE BEEN ENTERED IN TO THE ICNAF RECORD AND STEPS TAKEN TO ENSURE THAT IF THE U.S. IS IN ICNAF FOR THE JUNE 1977 MEETING, A REALLOCATION AT THAT TIME, PURSUANT TO THE GUIDELINES DEVELOPED HERE, WILL COME INTO FORCE IMMEDIATELY. THE THREE DELEGATIONS IN PARTICULAR WERE APPRECIATIVE OF THE U.S. EFFORT AND SAW IT

AS EVIDENCE OF THE BONAFIDES OF U.S. MANAGEMENT OF ITS RE-SOURCES. THE COMMISSION PASSED ITS RESOLUTION, LOOKING FORWARD TO THE JUNE 1977 MEETING.

CONFIDENTIAL

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PAGE 03 MADRID 09318 02 OF 02 101702Z

7. THE MANAGEMENT REGIME. NEW ENGLAND FISHERY MANAGEMENT OFFICIALS, AND NOW THE NEW ENGLAND REGIONAL COUNCIL, HAVE HOPED FOR YEARS TO INSTITUTE A MANGEMENT TECHNIQUE KNOWN AS THE WINDOW APPROACH, THAT IS, THE DEFINITION OF PRECISE AREAS, TIMES AND GEAR FOR THE FISHING OF ALLOCATIONS GRANTED DISTANT WATER FISHERMEN. THIS APPROACH IS NOT USED ANYWHERE ELSE IN THE WORLD, ALTHOUGH SOME EUROPEANS TOLD US PRIVATELY IT REMINDED THEM OF THE FAMOUS "BANDS" OF THE EC. WE HAVE HAD DIFFICULTY GAINING ACCEPTANCE OF THE CONCEPT, WHICH WAS FLATLY REJECTED AS RECENTLY AS JUNE. THE WINDOWS OF THE PRELIMINARY MANAGEMENT PLANS WERE NOT ACCEPTED, BUT ALL OF THE ICNAF NATIONS (EXCEPT CANADA, WHICH WAS NOT DIRECTLY INVOLVED) MADE CLEAR THEY THOUGHT IT USELESS TO CONTINUE TO ARGUE WITH THE UNITED STATES AND, AT THE SUGGESTION OF SEVERAL DELEGATIONS, ALL PREVIOUS POSITIONS WERE ABANDONED AND NEGOTIATIONS ENTERED INTO ON THE DESIGN OF THE WINDOWS FOR 1977. THOSE NEGOTIATIONS WERE SUCCESSFUL AND EACH FISHERY IN THE U.S. ZONE NOW HAS AN ASSOCIATED WINDOW. THEY ARE NOT THOSE IN THE PRELIMINARY MANAGEMENT PLANS BUT DISTANT WATER DELEGATION PRESENTED CONVINCING EVIDENCE THAT THOSE WINDOWS DID NOT PERMIT THE TAKING OF THE ALLOCATIONS AND THEY WERE ADJUSTED TO ACCOMMODATE THEIR INTERESTS AND OURS TO THE EXTENT IT WAS POSSIBLE TO DO SO. ALL OF THE WINDOWS WERE APPROVED.

8. ON OUR RETURN WE WILL HAVE AVAILABLE AN ANALYSIS OF THE TOTAL OF THE FISHERY DECISIONS. ON A PRELIMINARY BASIS WE HAVE DETERMINED THAT THE EFFECT ON FOREIGN FISHING IS AN AVERAGE REDUCTION OF 30 PERCENT AND IN SOME FISHERIES IT RUNS AS HIGH AS 80 PERCENT. IN OTHER RESOURCES, IN SOME CASES, SLIGHT GAINS WERE POSSIBLE.

9. WE HAVE NOT SENT THIS CABLE TO OTHER ICNAF CAPITALS. DEPT. SHOULD REPEAT AS APPROPRIATE. STABLER

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